

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

ELECTRONIC PRIVACY INFORMATION
CENTER,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF
JUSTICE,

Defendant.

Civil Action No. 19-810 (RBW)

JASON LEOPOLD and
BUZZFEED, INC.,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
JUSTICE, et al.,

Defendants.

Civil Action No. 19-1278 (RBW)

CABLE NEWS NETWORK,

Plaintiff,

v.

FEDERAL BUREAU OF INVESTIGATION,

Defendant.

Civil Action No. 19-1626 (RBW)

ORDER

On March 22, 2019, the plaintiff in Civil Action No. 19-810, the Electronic Privacy Information Center, filed a complaint against the United States Department of Justice (the

“Department of Justice”), pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552 (2018), seeking records related to the Special Counsel Robert S. Mueller’s investigation into Russian interference in the 2016 United States presidential election. See Complaint ¶¶ 2, 43, Elec. Privacy Info. Ctr. v. U.S. Dep’t of Justice, Civ. Action No. 19-810. Thereafter, on May 2, 2019, the plaintiffs in Civil Action No. 19-1278, Jason Leopold and BuzzFeed, Inc., brought suit against the Department of Justice, the Office of the Attorney General of the United States, the Deputy Attorney General of the United States, the Special Counsel’s Office, and the Federal Bureau of Investigation (“FBI”), pursuant to the FOIA, seeking “certain records relating to the Special Counsel’s investigation into Russian interference with the 2016 Presidential election and related matters.” Complaint ¶¶ 1, 6, 11, 16, 20, 25, 30, Leopold v. U.S. Dep’t of Justice, Civ. Action No. 19-1278. Approximately one month later, Cable News Network filed suit against the FBI, pursuant to the FOIA, seeking copies of “FBI memoranda, such as 302s, from any and all of the interviews of the ‘approximately 500 witnesses’ in the Mueller investigation,” as well as “any and all case files” related to those interviews. Complaint ¶ 11, Cable News Network v. Fed. Bureau of Investigation, Civ. Action No. 19-1626.

Federal Rule of Civil Procedure 42 permits a district court to consolidate cases that “involve a common question of law or fact,” Fed. R. Civ. P. 42(a); see also Nat’l Ass’n of Mort. Brokers v. Bd. of Governors of Fed. Reserve Sys., 770 F. Supp. 2d 283, 286 (D.D.C. 2011) (“Consolidation pursuant to Rule 42(a) is permissive and vests a purely discretionary power in the district court, which may consolidate related cases sua sponte.”). Similarly, the Local Civil Rules of this Court provide that cases should be “deemed related when the earliest [case] is still pending on the merits in the District Court and [another case is filed] . . . involv[ing] common issues of fact.” LCvR 40.5(a)(3).

To the extent that the plaintiffs in the above-captioned matters are seeking the release of the same records relating to Special Counsel Mueller's investigation into Russian interference in the 2016 United States presidential election, it is hereby

ORDERED that the parties in the above-captioned cases shall appear before the Court on October 1, 2019, at 11:00 a.m. to discuss why these cases should not be consolidated or deemed related.

SO ORDERED this 12th day of September, 2019.

REGGIE B. WALTON
United States District Judge